

Board of Cosmetologist Examiners

October 3, 2011 Board Meeting Minutes

**BCE Board Meeting Minutes
October 3, 2011
9:00 AM, Conference Room A
University Park Plaza
2829 University Ave. SE
Minneapolis, MN 55414**

Present: Kurt Deile, Mary Finnegan, Laurie Boggess, Bob Salmonson, Gina Stauss Fast, Maggie Meyer, Rebecca Gaspard, Bill Jo Rygg, Jenna Bohl and Michele Owen

- **Call to Order**

- KD called the meeting to order at 9:09 AM

- **Approval of Proposed Agenda**

- ✓ LB made a motion to amend the proposed agenda to (1) move the closed portion of the meeting for Agenda Item C. Disciplinary Matter, to after the Approval of Prior Meeting Minutes; (2) move Agenda Item O. Review of Esthetician Task Force Creation, to before Old Business; and (3) have flexibility to move agenda items throughout the meeting due to long agenda. BS seconded. All ayes. **Motion carries.**

- **Approval of Minutes**

- ✓ BS made a motion to approve prior meeting minutes as written and recorded. MF seconded. All ayes. **Motion carries.**

- **Closed Portion of Meeting—Agenda Item C: Disciplinary Matter**

- KD closed the meeting to the public at 9:15 AM. All Board members, Gina Stauss Fast and Maggie Meyer moved to BCE conference room in the BCE Administrative Offices (Suite 710).
- KD reopened the meeting to the public at 10:57 AM.

- **Approval of Proposed Agenda**

- LB requested to move Item P. CE Credits for Instructors, to come before New Business: Waiver Requests. No motion necessary. **Request granted.**

- **New Business**

In-House Requests

O. Review of Esthetician Task Force Creation

- GS – draft of guiding documents and draft scope/purpose of the task force were provided for the Board. The proposed scope is to look at the 600 esthetician curriculum to determine if changes should be made or if the BCE should pursue development of a 2-tier esthetician license.

Board of Cosmetologist Examiners

October 3, 2011 Board Meeting Minutes

- MF – there is a MN Department of Education task force (Technical Skill Attainment Project) meeting on Thursday (October 6, 2011) examining professional training that will examine a variety of professional training programs, including cosmetology. Would be good to look at DOE project results .
- Choosing members of the task force – draft proposed including an esti instructor, esti working in an urban setting, an esti working in a rural setting, an esti licensed < 3 years ago, an esti licensed > 5 years ago, a cosmetologist, a member of the public/consumer of esti services, a member from another Board who established scope of practice in a similar manner, and a third party facilitator. The Board recommended also appointing an esti working in a medical facility. GS noted that one member of the Task Force can meet several of the proposed criteria (e.g. an est working in an urban area and licensed < 3 years ago).
- MO – review MN Statue 15 on Task Forces – Does the Board need to appoint the members after application to be a Task Force Member? GS – only necessary for legislatively established task forces.
 - ✓ LB made a motion to establish the Esthetician Task Force.
 - a. 2 Board Members will oversee the Task Force, to be determined at this meeting (10/3/2011);
 - b. GS will create a draft application for members of the Task Force, to be reviewed by the members overseeing the Task Force;*
 - c. Upon approval of the application, GS will notify licensed estheticians of the Task Force and open the position;*
 - d. Position will be opened for application and closed around Thanksgiving;
 - e. All received applications will be presented to the Board Members overseeing the Task Force at the December 5, 2011, meeting;
 - f. Board Members overseeing the Task Force will review the applications and appoint Members at the February 2012 meeting and establish a Task Force timeline at the May 2012 meeting, pending there are meetings scheduled for those months at this meeting (10/3/2011).

MF seconded. All ayes. **Motion carried.**

MF and LB volunteer to oversee Task Force.

*Note: after this was approved, BCE staff found that applications needed to be received through the Secretary of State Open Appointments process.

• Old Business

A. Review of Online Courses: St. Paul College

- St. Paul College was granted a variance in October 2009 to teach several courses online. The waiver expires December 31, 2011. They presented their review of the course as was condition to the variance and asked for a continuation of the variance for a 3 year extension as it sits.

Board of Cosmetologist Examiners
October 3, 2011 Board Meeting Minutes

- KD – Was the class offered only twice since the variance was granted? How have test scores compared to those of students taking regular courses?
 - MF as representative for STP College – No, the courses have been offered 5 times. Results of the course have been similar to those of regular courses. There are students in both kinds of courses with good and bad time management skills and good and bad performance in classes.
- MF – there are many tools available to students to help with technical difficulties in taking the courses at the college.
- MO – can either issue new order or amendment to previous order that cross references the original reasoning for variance. Reasoning must explain how the variance is consistent with public interest.
 - ✓ LB made a motion to amend the order previously issued to St. Paul College for a variance allowing them to offer courses online. Conditions to the variance include:
 - a. The variance is applicable to only the same courses as the original order;
 - b. The Board will review the courses at 18-months and end of variance;
 - c. Executive Director (GS) can sign the order into action; and
 - d. The extension of the variance will expire 3 years after the date that GS signs the order.

BS seconded. All ayes (MF abstained as a representative of St. Paul College). **Motion carried.**

B. Review of Online Courses: Riverland Community College

- Riverland College was granted a variance similar to STP College in October 2009 to offer online courses. The variance expired July 31, 2011, but their required review was not heard by the Board because the July meeting was cancelled due to shutdown of non-essential MN government services, including the BCE.
- Bill Dowden (Riverland Community College, Academic Affairs) and Rhonda Basel (Instructor of both online cosmetology courses at Riverland Community College) represented RCC
- BD – online learning worked well for some students and not for others. RCC looked at the link between times spent on different tasks in the online learning program and found that those that spent more time on the course were more successful. RCC finds that engaging students in the course is very important to success rates.
- GS – since RCC was unable to present results in July, the variance should be granted with prospective effect so they will not have a gap in time where courses were offered but a variance was not granted.
- MF made a motion to amend the order previously issued to Riverland Community College for a variance allowing them to offer courses online. Conditions to the variance include:
 - a. The variance is applicable to only the same courses as the original order;
 - b. The Board will review the course at 18 months and end of variance;

Board of Cosmetologist Examiners

October 3, 2011 Board Meeting Minutes

- c. Executive Director (GS) can sign the order into action; and
- d. The extension of the variance will be granted from August 1, 2011-December 31, 2014.

LB seconded. All ayes. **Motion carried.**

- **New Business**

- In-house Requests*

- P. CE Credits for Instructors

- Documents were prepared by the licensing staff and presented by Bill Jo Rygg and Jenna Bohl.
 - Instructors do not seem to understand what constitutes evidence of completion of Continuing Education requirements.
 - JB – it takes 35 minutes to review an instructor renewal that includes CE hours properly approved by the Board. It takes 60 minutes to review an application with incorrect CE documentation.
 - BR – offers three proposed solutions
 1. Hands-on solution: all CE courses must be pre-approved by the BCE to count towards instructor renewals.
 2. Hands-off solution: courses do not need to be approved by the BCE to count towards instructor renewals.
 3. No change to process.
 - MO – could go to rule change to require certain numbers of hours to be from pre-approved courses. Examples of Boards that have pre-approval process for CE courses include Peace Officers, Accountancy, and Architecture.
 - JB – Instructors are supposed to submit application before course is taught, and then submit attendee lists so staff can verify attendance when processing instructor renewals. It makes it hard to use fraudulent courses for renewal.
 - GS – courses are approved as individual events, there are not blanket approvals for courses.
 - Staff would prefer to have courses pre-approved.
 - GS – if all courses had to be pre-approved, then BCE could add a section of the website to list all upcoming courses so that instructors could use the website as a tool. If the Board decides to go for the pre-approval route, then GS would want to pursue legislative changes to charge a pre-approval processing fee.
 - MF – voiced concern for people not receiving credit for taking college level teaching courses that would not be registered with the BCE as cosmetology courses because professors/teachers would not want to register or pay the BCE. JB said there were not many college courses that were submitted for CE credit.

Board of Cosmetologist Examiners
October 3, 2011 Board Meeting Minutes

- RG – could include approval of all college courses, with a maximum number of hours per course to count towards CE credit.
- ✓ MF made a motion to require all instructor CE courses taught after January 1, 2012 to be pre-approved by the BCE except for courses taught at accredited colleges (official transcripts proving completion of applicable courses).
MF amended the motion to include that only 15 hours of the 45 may come from each college course.
BS seconded. All ayes. **Motions carried.**

- **Break**

- KD called for a break in the meeting for lunch at 12:26 PM.
- KD reconvened the meeting at 12:30 PM.

- **New Business**

Waiver Requests

D. Keith Cipowski – Instructor Renewal

- ✓ LB made a motion to grant KC a waiver of rule 2105.0210 that requires a refresher course to renew his operator license—which is the underlying license for his instructor license—due to hardship.
BS seconded. All ayes. **Waiver granted.**

E. Dorothy Nelson – Instructor Renewal

- Change to request in packet – DN works as an instructor and affirms that she has 2700 hours of salon floor experience in the last 3 years so would like a waiver of schooling to reinstate operator license so she can apply for her manager license.
- ✓ LB made a motion to grant a waiver of Rule 2105.0210 to reinstate DN's operator license.
BS seconded. All ayes. **Waiver granted.**
DN will have to apply for both an initial operator and manager license.

- **New Business**

Waiver Requests – Other Requests

F. Jo Marie Grant

- JG is the designated manager and only employee in an in-home salon. She recently finished the discipline process for practicing without a license and operating a salon without a licensed designated manager. Her salon had never been inspected.
- BR – if JG was granted her operator license instead of her manager license, she would have to work in a different salon under a licensed manager and her business would have to shut down as she is the sole employee.

Board of Cosmetologist Examiners
October 3, 2011 Board Meeting Minutes

- JG took a 40 hour refresher course in September 2011. She has not taken the manager exams with Pearson Vue.
- GS – in the past we have bumped managers down to taking a 40 hour refresher instead of a 155 hour refresher in addition to taking exams for the manager license.
- ✓ LB made a motion to grant a waiver of 2105.0210 to JG to reinstate her manager license. Within 60 days, she must:
 - a. Take 40-hour refresher course instead of the normal 155 hour course;
 - b. Pass the MN Laws and Rules exam, the MN Cosmetologist exam and the MN Manager Laws and Rules exam with Pearson Vue; and
 - c. Have her salon inspected by the BCE (reinstatement of license is not contingent upon inspection).

BS seconded. All ayes. **Waiver granted.**

G. Marilyn Heidgerken

- Tabled – MH not present

H. Layla Hijazi

- Tabled – LH not present

I. Charise Kyles

- CK graduated in 2007, school kept original test results. GS checked data base, CK passed exams with Pearson Vue in 10/2007.
- ✓ LB made a motion to grant CK a waiver of Rule 2105.0150 that requires students to be licensed within 3 years of graduation.

BS seconded. All ayes. **Waiver granted.**

CK will need to complete a 40-hour refresher course, pass the MN Laws and Rules and the MN Cosmetologist Exams with Pearson Vue and apply as an initial operator within 60 days.

J. Flore Mathison

- Tabled – FM not present

K. Yvonne Nelson

- YN completed 469.5 hours of a 1550 hour course to renew an operator license when she needed to only complete a 155 hour refresher course to renew her license. She passed exams with Pearson Vue in 5/2011.

Board of Cosmetologist Examiners
October 3, 2011 Board Meeting Minutes

- ✓ BS made a motion to grant a waiver of rule 2105.0210 to YN that requires a 155 hour refresher course.
LB seconds. All ayes. **Waiver granted.**

L. Jessica Piersa

- Tabled – JP not present

Variance Requests

M. pH Orem Skincare

- Paige Ferris represented salon as owner and manager.
- The BCE was not enforcing rule that required a sink to be in each salon room where esthetician tasks are performed when salon was licensed and at 2009 inspection.
- ✓ BS made a motion to grant a variance to the rule requiring a sink in each room. To not grant the variance would result in a hardship to PF as salon would have to close. The variance is consistent with public interest as similar variances have been allowed and the salon had passed inspections in the past without concern being raised about not having sinks in each room. If any changes are made to the salon, remodeling is done in the salon or the salon is expanded to the immediate surrounding space, or if the salon is sold, then sinks must be installed in all rooms (any potential buyers must be informed that they will need to outfit each room with a sink if PF sells the space).
KD calls for any objections. None heard.
LB seconded. All ayes. **Variance granted.**

Waiver Requests

F. MH - Return to tabled item.

- MH works in nursing home facility that was not licensed as a salon as the designated manager. Facility is applying to be salon but cannot if MH cannot be designated manager.
- ✓ LB made a motion to grant waiver of rule 2105.0200 to MH to reinstate her manager license.

BS seconded. All ayes. **Waiver granted.**

H. LH - Return to tabled item.

- LH works at International Dermal Institute, holds esthetician operator license that she renewed in 2010 with a refresher course. She has not worked as an esthetician since 2006. She would like to count hours worked at IDI as experience to apply towards a manager license.
- ✓ BS made a motion to deny LH's request for a waiver to 2105.0160. BS does not feel that substantial evidence of a hardship was provided.
LB seconded. All ayes. **Waiver denied.**

Board of Cosmetologist Examiners
October 3, 2011 Board Meeting Minutes

J. FM—Return to tabled item.

- FM would like to renew a her operator license using a refresher course that she applied toward her 2009 renewal.
- ✓ LB made a motion to deny FM a waiver to rule 2105.0200 based on insufficient documentation of a hardship.

BS seconded. All ayes. **Waiver denied.**

L. JP—Return to tabled item.

- JP removed herself from the agenda as the issue was resolved internally.

In-House Requests

N. Request for RFP for Practical Testing

- ✓ BS made a motion to allow GS to start a draft of an RFP for a new contract to administer the practical exam.

LB seconds. All ayes. **Motion carried.**

Regular Board Business

Q. Board Meeting Dates for 2012

- Regular Board Meetings: February 27, May 21, July 23, October 1, December 3
- Complaint Committee Meetings (held in BCE conference room, so only month needs to be set at this meeting. Days will be set after the Board decides who will sit on the Committee at the December 2011 meeting.): March, June, September, November

• **Administrative Reports**

• **General Discussion**

- Item not on original agenda – Brenda Beeler of DP Hue
- DP Hue is a new business that sells hair color to the public in consultation with licensees so they can use the product at home.
- **No motion necessary on discussion.**

• **Adjournment**

- ✓ LB made a motion to adjourn the meeting at 2:42 PM.
- BS seconded. All ayes. **Motion carried.**